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10/677,977	10/02/2003	Jack Nguyen	3800003.00007 / 4905	9061
77202	7590	02/09/2011	EXAMINER	
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			WESSENDORF, TERESA D	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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In re Application of:

Nguyen et al.

Serial No.: 10/677,977

Filed: October 2, 2003

Attorney Docket No: 3800003.00007 / 4905

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: PETITION DECISION  
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This is in response to the petition filed on January 13, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on November 16, 2007; August 7, 2008; September 12, 2008; June 11, 2009; July 10, 2009; October 1, 2009; March 31, 2010; and July 20, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on November 16, 2007; August 7, 2008; September 12, 2008; June 11, 2009; July 10, 2009; October 1, 2009; March 31, 2010; and July 20, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R. 1.97 and 1.98. As required under 37 C.F.R. 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on November 16, 2007; August 7, 2008; September 12, 2008; June 11, 2009; July 10, 2009; October 1, 2009; March 31, 2010; and July 20, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (November 16, 2007, "Transmittal Letter" of 3 pages; August 7, 2008, "Transmittal Letter" of 4 pages; September 12, 2008, "Transmittal Letter" of 7 pages; June 11, 2009, "Transmittal Letter" of 3

pages; July 10, 2009, "Transmittal Letter" of 4 pages; October 1, 2009, "Transmittal Letter" of 5 pages; March 31, 2010, "Transmittal Letter" of 3 pages; and July 20, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of November 16, 2007; August 7, 2008; September 12, 2008; June 11, 2009; July 10, 2009; October 1, 2009; March 31, 2010; and July 20, 2010.

## **DECISION**

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600